

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

FATE SANTEE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:14cv34-HSO-RHW

JODECI A. DEARBORN¹

DEFENDANT

REPORT AND RECOMMENDATION

This cause came before the Court for a duly noticed omnibus hearing scheduled for Monday, July 27, 2015 at 9:30 a.m. before United States Magistrate Judge Robert H. Walker in Courtroom 881 of the Dan M. Russell, Jr. Federal Building in Gulfport, Mississippi. The docket reflects, and the Court finds that on June 11, 2015, the clerk properly notified Plaintiff of the hearing by certified mail to the most recent address Plaintiff provided the Court, which is a free-world address. Plaintiff acknowledged receipt of the notice on June 12, 2015. [40] However, the Plaintiff failed to appear for the hearing, and has made no contact with the Court regarding the hearing.

RECOMMENDATION

Based on the foregoing, it is the opinion of the undersigned that Plaintiff has either wilfully failed to advise the Court of his address, that he has wilfully ignored the notice of the July 27, 2015 hearing, or that he is no longer interested in pursuing this lawsuit. Accordingly, the United States Magistrate Judge recommends that Plaintiff's cause of action be dismissed for failure to prosecute.

¹Dearborn is the only defendant left in this lawsuit, the Court having dismissed Defendants Hubert Davis and Ron King on May 27, 2015 based on [36] the unopposed Report and Recommendation of the undersigned. [38]

NOTICE OF RIGHT TO APPEAL/OBJECT

Under Rule 72(a)(3), *Local Uniform Civil Rules of the United States District Courts for the Northern District of Mississippi and the Southern District of Mississippi*, a party has 14 days after being served a copy of this Report and Recommendation to serve and file written objections to the Report and Recommendation. A party must file objections with the clerk of court and serve them upon the other parties and submit them to the assigned District Judge. Within seven days of service of the objection, the opposing party must either serve and file a response or notify the District Judge that he does not intend to respond to the objection. An objecting party must specifically identify the findings, conclusions, and recommendations to which he/she objects; the District Court need not consider frivolous, conclusive, or general objections. A party who fails to file written objections to the proposed findings, conclusions, and recommendations within 14 days of being served a copy shall be barred, except upon grounds of plain error, from attacking on appeal any proposed factual finding or legal conclusion accepted by the District Court to which he/she did not object. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Signed, this the 27th day of July, 2015.

/s/ Robert H. Walker

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE